

**PATENT**

Docket No. P-5369B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Alexander G. Lastovich, et al	Conf # :	6079
Serial No.:	10/649,396	Art Unit:	3763
Filing Date:	August 27, 2003	Examiner:	STIGELL, Theodore J.
Title:	<b>Microprotrusion Arrays And Methods For Using Same To Deliver Substances Into Tissue</b>		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

This document is being filed in response to the Office Action mailed August 25, 2006 in connection with the above-referenced application, which had a one-month period for response, which ends September 25, 2006. Thus, this response is timely filed.

The Examiner asserts that the application define eleven separate Species, identified as Species A (Figures 1-3), Species B (Figure 4), Species C (Figure 5), Species D (Figure 6), Species E (Figure 7), Species F (Figure 8), Species G (Figure 9), Species H (Figure 10), Species I (Figure 11), Species J (Figure 12A-12B), and Species K (Figure 13). The Examiner has stated that no claims are generic.

### **Provisional Election and Traversal**

The Examiner has requested an election to species of the subject matter specified in thirteen figures. The alleged Species are as follows upon which the following groups of claims are readable:

- ❖ Claim **1-7** are a device and readable on alleged Species A-K.
- ❖ Claim **11** is readable on alleged Species A-K.
- ❖ Claims **14-19** are readable on alleged Species A-K.
- ❖ Claim **24** is readable on alleged Species A-K.
- ❖ Claims **25-30** are a method of use and are readable on alleged Species A-K.

Applicants respectfully traverse the restriction requirement with respect to Species A through K. Applicant contends Claims 1 and 25 are generic and readable on all species and would not induce an undue burden on the examiner for examination.

In view of the foregoing, Applicants respectfully request the Examiner withdraw the restriction requirement with respect to Species A-K and **examine all Claims 1-30**. Applicants also reserve the right to further define the invention with respect to the claims of non-elected claims, or file divisional applications directed to the non-elected claims and/or species.

**Election**

Should the examiner maintain the grounds for restriction, or propose an alternative ground, the Applicants **elect Claims 1-7, 11, 14-19, and 24-30** as embodied in **Species G** with traverse, reserving the right to amend and resubmit the Claims readable on Species A-F and H-K for rejoinder under MPEP 821.04 should a generic claim become allowable. Applicants also reserve the right to further define the invention, or file divisional applications directed to the non-elected groups and/or species.

Applicants believe no fees are due in connection with filing this response. However, if any fees are due the Commissioner is hereby authorized to charge them to Deposit Account No. 02-1666.

Respectfully submitted,

Dated: September 25, 2006

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